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REMARKS

Entry of this Amendment is proper because is narrows the issues on appeal and does not require further searching by the Examiner.

Claims 1-21 are all the claims presently pending in the application. Claims 1, 12, 17 and 18 have been amended.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1, 2, 4, 5, 7 and 8 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Bernstein et al. (U. S. Patent No. 6,970,189). Claims 3, 6 and 19 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bernstein in view of Ito et al. (U. S. Patent No. 6,967,675).

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bernstein in view of Brusewitz et al. (U. S. Patent No. 6,384,862). Claim 10, 11 and 12 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bernstein in view of Yoshida et al. (U. S. Patent No. 6,307,591).

Claims 12, 14-18 and 20 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bernstein in view of Mattes (U. S. Patent No. 6,038,295). Claim 13 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bernstein in view of Mattes and Ito.

These rejections are respectfully traversed in view of the following discussion.

I. THE CLAIMED INVENTION

An exemplary aspect of the claimed invention (e.g., as recited in claim 1) is directed a portable device which includes a recording device which records, in a recording medium, an

image to be transmitted to a server via a communication device, the server providing image service and transmitting service information about the image service to the communication device in response to a user input to the communication device. The portable device also includes a service information input device which inputs, from the communication device, service information about the image service provided by the server. The recording device records the image in the recording medium based on the service information.

Importantly, the service information includes information transmitted from the server to the communication device based on a user input to the communication device (Application Figures 4 and 7; page 11, line 28-page 12, line 20).

Conventionally, uploading an image from a camera to a service server (e.g., for printing or distribution of the image) via a mobile phone, takes a long time and since the communication speed between the camera and the phone is typically different from the transferring speed between the phone and the service server, management of communication is complicated (Application at page 2, line 20-page 3, line 7).

In an exemplary aspect of the claimed invention, on the other hand, a portable device includes a recording device that records an image in the recording medium based on service information which includes information transmitted from the server to the communication device based on a user input to the communication device (Application Figures 4 and 7; page 11, line 28-page 12, line 20). This may help to allow the portable device to readily record an image which is automatically changed in size or compressibility according to obtained service information, at high speed, and helps to allow the mobile phone to readily transmit an image meeting a request of the server at high speed (Application at page 17, lines 4-30).

II. THE ALLEGED PRIOR ART REFERENCES

A. Bernstein

The Examiner alleges that Bernstein teaches the claimed invention of claims 1, 2, 4, 5, 7 and 8, and makes obvious the invention of claim 9. Applicant submits however, that there are features of the claimed invention that are not taught or suggested by Bernstein.

Bernstein discloses a system for automatically configuring a hand-held camera. The system includes a camera 22, and a photo op transceiver 20 which pushes N camera setting parameters to automatically configure the camera 22 for capturing a photo of a subject 34 (Bernstein at col. 5, lines 42-52).

However, Bernstein does not teach or suggest a portable device (e.g., a camera) including a recording device which records an image in the recording medium based on service information which includes information transmitted from a server to a communication device based on a user input to the communication device, as recited, for example, in claim 1 (Application Figures 4 and 7; page 11, line 28-page 12, line 20). As noted above, this may help to allow the portable device to readily record an image which is automatically changed in size or compressibility according to obtained service information, at high speed.

Clearly, this feature is not taught or suggested by the cited references. Indeed, the Examiner attempts to rely on col. 5 at lines 42-52 to support his position. However, this passage simply refers to Figure 1 and states that the photo op transceiver 20 pushes setting parameter values 26 to the camera 22 to automatically configure the camera 22 for capturing a photo. Nowhere in this passage or anywhere else does Bernstein teach or suggest a portable device (e.g., a camera) including a recording device which records an image in the recording medium based on service information which includes information transmitted from a server to the communication device based on a user input to the communication device.

Indeed, the Examiner presumably attempting to equate the camera 22 in Bernstein with the portable device of the claimed invention, and the photo op site 18 with the communication device (e.g., mobile phone) of the claimed invention. However, Bernstein teaches only that a server 12 relays setting parameter values to a photo op site 18 having a transceiver 20, and that the transceiver 20 transmits the setting parameter values to the camera 22 (Bernstein at col. 3, lines 23-37).

That is, nowhere does Bernstein even teach or suggest a user input to the photo op site 18. Thus, Bernstein certainly does not teach or suggest that camera 22 includes a recording device which records an image in the recording medium based on service information which includes

information transmitted from a server to the photo op site 18 based on a user input to the photo op site 18.

Therefore, Applicant submits that Bernstein does not teach or suggest each and every feature of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

B. Ito, Brusewitz, Yoshida and Mattes

The Examiner alleges that Bernstein would have been combined with Ito to form the invention of claims 3, 6 and 19, with Brusewitz to form the invention of claim 9, with Yoshida to form the invention of claims 10, 11 and 21, with Mattes to form the invention of claims 12, 14-18 and 20, and with Mattes and Ito to form the invention of claim 13. Applicant submits however, that these alleged references would not have been combined and even if combined, the combination would not teach or suggest each and every feature of the claimed invention.

Indeed, Applicant submits that these references are unrelated, and no person of ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight.

In fact, Applicant submits that the references provide no motivation or suggestion to urge the combination as alleged by the Examiner. Indeed, these references clearly do not teach or suggest their combination. Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been so motivated to combine the references as alleged by the Examiner. Therefore, the Examiner has failed to make a prima facie case of obviousness.

Moreover, neither Bernstein, nor Ito, nor Brusewitz, nor Yoshida, nor Mattes, nor any alleged combination thereof teaches or suggests a portable device (e.g., a camera) including a recording device which records an image in the recording medium based on service information which includes information transmitted from a server to a communication device based on a user input to the communication device, as recited, for example, in claim 1 (Application Figures 4 and 7; page 11, line 28-page 12, line 20). As noted above, this may help to allow the portable device to readily record an image which is automatically changed in size or compressibility according to

obtained service information, at high speed.

Clearly, this feature is not taught or suggested by Ito. Indeed, the Examiner attempts to rely on col. 7, lines 52-61 and Figure 3 in Ito to support his position. However, Ito simply teaches a camera that may be used to transmit an image file recorded on a memory card to be transmitted to a server via a communication circuit (Ito at Abstract; Figure 1; col. 6, lines 1-23). Ito teaches that a URL of the server is transmitted to an Internet service provider allowing the camera to access the server (Ito at col. 7, lines 60-61).

That is, nowhere does Ito teach or suggest a portable device (e.g., a camera) including a recording device which records an image in the recording medium based on service information which includes information transmitted from a server to a communication device based on a user input to the communication device. Therefore, Ito clearly does not make up for the deficiencies of the other cited references.

Likewise, this feature is not taught or suggested by Brusewitz. Indeed, the Examiner attempts to rely on col. 6, lines 17-41 in Brusewitz to support his position. However, Brusewitz simply discloses an imaging system which includes a camera 44, and a receiver device 58 having a decoder 62 and image storage 64 (Brusewitz at Figure 1; col. 4, lines 15-67). Nowhere does Brusewitz teach or suggest a portable device (e.g., a camera) including a recording device which records an image in the recording medium based on service information which includes information transmitted from a server to a communication device based on a user input to the communication device.

Therefore, Brusewitz clearly does not make up for the deficiencies of the other cited references.

Likewise, this feature is not taught or suggested by Yoshida. Indeed, the Examiner attempts to rely on col. 7, lines 1-6 in Yoshida to support his position. However, Yoshida simply teaches a camera unit 3 that stores an object image in RAM 13, and storing an aspect ratio recognition signal for use in recognizing the aspect ratio as a code number together with the image signal (Yoshida at col. 7, lines 7-12).

Nowhere does Yoshida teach or suggest a server, let alone a portable device (e.g., a

camera) including a recording device which records an image in the recording medium based on service information which includes information transmitted from a server to a communication device based on a user input to the communication device. Therefore, Yoshida clearly does not make up for the deficiencies of the other cited references.

Likewise, this feature is not taught or suggested by Mattes. Indeed, the Examiner attempts to rely on col. 8, lines 36-45 in Mattes to support his position. However, Mattes is directed to a method of allegedly archiving digital images simply, fast and in such a way that the information therefor may be easily tracked. Mattes has nothing to do with a portable device which records, in a recording medium, an image to be transmitted to a server via a communication device. Thus, Mattes teach or suggest a portable device including a recording device which records the image based on the inputted service information in the recording medium.

Nowhere does Mattes teach or suggest a portable device (e.g., a camera) including a recording device which records an image in the recording medium based on service information which includes information transmitted from a server to a communication device based on a user input to the communication device. Therefore, Mattes clearly does not make up for the deficiencies of the other cited references.

Therefore, Applicant submits that these alleged references would not have been combined and even if combined, the combination would not teach or suggest each and every feature of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-21, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to

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discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 8/24/07

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing was filed by facsimile with the United States Patent and Trademark Office, Examiner Benjamin O. Dulaney, Group Art Unit # 2625 at fax number (571) 273-8300 this 24th day of August, 2007.

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